IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 28.03.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Appeal No.842 of 2004
and WAMP.No.1524 of 2004

1.Dr.Usha Muthukrishnan
2.Dr.B.P.Muthukrishnan
3.M/s Hospital Equipment Systems,
rep. by Dr.B.P.Muthukrishnan,
Managing Partner,
82/1-A, Muttukadu Road,
Neelangarai, Chennai-600 041. .. Appellants/Petitioners in WP 20403/03

Vs.

1.IDBI Bank Ltd.,
37, C.P.Ramaswamy Road,
Alwarpet, Chennai-600 018.

2.The Registrar,
Debt Recovery Appellate Tribunal,
Chennai.

3.The Registrar,
Debt Recovery Tribunal-1,
Chennai. .. Respondents/Respondents in -do-

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 19.01.2004 made in W.P.M.P.No.25473 of 2003 in W.P.No.20430 of 2003.

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WAMP 25473/03 in WP 20430/03:

Petition presented to grant interim stay of all further proceedings pursuant to the order dated 10.6.2002 in O.A.640/01 on the file of the Debt Recovery Tribunal-I at Chennai pending disposal of the WP 20430/03 presented to this Court under Article 226 of the constitution of India to issue a writ of Certiorari calling for the records relating to the

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order dated 24.6.2003 in M.A.No.48 of 2003 on the file of Debt Recovery Appellant Tribunal at Chennai, confirming the order dated 29.01.2003 in OA No.262 of 2002 on the file of the Debt Recovery Tribunal-I, at Chennai and the order dated 10.06.2002 in OA.No.640 of 2001 on the file of Debt Recovery Tribunal-I, Chennai.

For Appellants : Mr.AR.L.Sundaresan, SC., for Mrs.AL.Gandhimathi
For 1st Respondent : M/s Sree Krishna Associates

JUDGMENT

(Judgment of the Court was delivered by P. SATHASIVAM, J.)

The above writ appeal is filed against the order of the learned single Judge dated 19.01.2004 made in W.P.M.P.No.25473 of 2003 in WP.No.20430 of 2003.

2. It is not in dispute that in WPMP.No.25473 of 2003 in W.P.No.20430 of 2003, the learned single Judge, while granting interim stay of all further proceedings pursuant to the order dated 10.06.2002 in O.A.No.640 of 2001 on the file of the Debt Recovery Tribunal-I, Chennai, has directed the petitioners to deposit a sum of Rs.2,00,000/- to the credit of the said proceedings within a period of 12 weeks from 23.07.2003. The petitioner, without complying the conditional order passed by the learned single Judge, has challenged the same by way of an appeal.

3. The learned counsel appearing for the appellants has brought to our notice that in WAMP No.1524 of 2004 in W.A.No.842 of 2004, the Division Bench of this Court has granted interim stay on condition to deposit a sum of Rs.2,00,000/- as ordered by the learned single Judge within a period of one week from 10.03.2004. The learned counsel further represents that the said conditional order has duly been complied with.

4. In view of the same, we are of the view that no further adjudication is required in this appeal except making it clear that the stay order granted on 10.03.2004 shall continue till the disposal of the main writ petition.

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5. The writ appeal is disposed of on the above terms. No costs. W.A.M.P.No.1524 of 2004 is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

raa

To

1.The Registrar,
Debt Recovery Appellate Tribunal,
Chennai.

2.The Registrar,
Debt Recovery Tribunal-1,
Chennai.

KG (CO)
km/9.4.

W.A.No.842 of 2004

HIGH COURT OF JUDICATURE MADRAS
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